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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/720,147  | 11/25/2003  | Yoshinori Ishikawa   | 58799-102           | 4307             |
| 7590  | 04/18/2006  |                      | EXAMINER            |                  |
| MaDermott, Will & Emery<br>600 13th Street, N.W.<br>Washington, DC 20005-3096 |             |                      | KIM, HONG CHONG     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2185                |                  |

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/720,147             | ISHIKAWA ET AL.     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Hong C. Kim            | 2185                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13, 17 and 18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. 09/935,769.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/25/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**Detailed Action**

1. Claims 1-13, and 17-18 are presented for examination. The rejection of the last Office action is withdrawn and this office action is replacing the previous rejection mailed out on 3/2/06.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 11/25/03 is being considered by the examiner.

3. The status of the referenced U.S. applications must be updated accordingly (e.g., U.S. Patent Application Serial No. #/#/#/# filled Sept. 07, 1990, now abandoned; ..., now U.S. Patent #,#/#/# issued Jan. 01, 1994; or This application is a continuation of Serial Number #/#/#/#, filed on December 01, 1990, now abandoned; ...etc.) in the Related Applications section and in any other corresponding area in the specification, if any.

***Specification***

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title should be more specific to differentiate the invention from similar inventions in the patent literature. "first and second selection means", "control means", and "system controller" aspects of the invention should be mentioned in the title so that the title is more descriptive.

***Double Patenting***

5. The non-statutory double patenting rejection, whether of the obviousness-type or non-obviousness-type, is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent. *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); and *In re Goodman*, 29 USPQ2d 2010 (Fed. Cir. 1993).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(b) and (c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.78(d).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-13, and 17-18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of US Patent

No. 6,665,237 in view of Kato et al. (Kato) JP04251467A.

As to claims 1, 3 and 13, US Patent No. 6,665,237 claims a control apparatus (Fig. 2) for operating with program data the apparatus comprising: a first memory (Fig. 2 Ref. 3), a control means (Fig. 2 Ref. 2), and a system controller (Fig. 2 Ref. 6). However, 6,665,237 does not specifically disclose a second memory, a writing means, a selection means for selectively outputting an output from one of the first and second memories, a control means outputting a first address to one of the first and second memories, the selection means selecting the output from one of the first and second memories in accordance with the first address, the writing means enabling data to be written in the second memory and a second selection means.

Kato discloses a second memory, a writing means, a first selection means for selectively outputting an output from one of the first and second memories, a control means outputting a first address to one of the first and second memories, the selection means selecting the output from one of the first and second memories in accordance with the first address, the writing means enabling data to be written in the second memory (Fig. 1, connections to Ref 3) and a second selection means (Fig. 1 connection to Ref. 4) for the purpose of storing the operation order.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a second memory, a writing means, a selection means for selectively outputting an output from one of the first and second memories, a control means outputting a first address to one of the first and second memories, the selection means selecting the output from one of the first and second

memories in accordance with the first address, the writing means enabling data to be written in the second memory, and a second selection means as shown in Kato into the invention of 6,665,237 because it would allow to store the operation order.

AAPA further discloses a parameter memory (Fig. 2 Ref. 4), a control circuit and control apparatus (Fig. 2 Ref. 2).

As to claims 2-12, and 17-18, claims are rejected because they incorporate the defect of the parent claims.

***Claim Rejections - 35 USC '103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-13 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Kato et al. (Kato) JP04251467A.

As to claim 1, AAPA discloses a control apparatus (Fig. 2) for operating with program data the apparatus comprising: a first memory (Fig. 2 Ref. 3), a control means (Fig. 2 Ref. 2), and a system controller (Fig. 2 Ref. 6). However, AAPA does not specifically disclose a second memory, a writing means, a selection means for

selectively outputting an output from one of the first and second memories, a control means outputting a first address to one of the first and second memories, the selection means selecting the output from one of the first and second memories in accordance with the first address, the writing means enabling data to be written in the second memory and a second selection means.

Kato discloses a second memory, a writing means, a first selection means for selectively outputting an output from one of the first and second memories, a control means outputting a first address to one of the first and second memories, the selection means selecting the output from one of the first and second memories in accordance with the first address, the writing means enabling data to be written in the second memory (Fig. 1, connections to Ref 3) and a second selection means (Fig. 1 connection to Ref. 4) for the purpose of storing the operation order.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a second memory, a writing means, a selection means for selectively outputting an output from one of the first and second memories, a control means outputting a first address to one of the first and second memories, the selection means selecting the output from one of the first and second memories in accordance with the first address, the writing means enabling data to be written in the second memory, and a second selection means as shown in Kato into the invention of AAPA because it would allow to store the operation order.

As to claim 3, AAPA and Kato disclose the invention as claimed in the above.

AAPA further discloses a parameter memory (Fig. 2 Ref. 4).

As to claim 13, AAPA and Kato disclose the invention as claimed in the above.

AAPA further discloses a control circuit and control apparatus (Fig. 2 Ref. 2).

As to claims 2 and 4, AAPA and Kato disclose the invention as claimed in the above. A read address generation means is disclosed by Kato (abstract, control signal).

As to claims 5, 6, 17, and 18, AAPA and Kato disclose the invention as claimed in the above. A write address generation means is disclosed by Kato (abstract, control signal).

As to claims 7, and 8, AAPA and Kato disclose the invention as claimed in the above. A program is configured to arbitrarily switch the output is disclosed by Kato (abstract, read/write control).

As to claims 9, and 10, AAPA and Kato disclose the invention as claimed in the above. One chip semiconductor element is disclosed by AAPA (page 4 lines 7-9).

As to claims 11, and 12, AAPA and Kato disclose the invention as claimed in the above. An SRAM is disclosed by AAPA (page 4 lines 19-20).

***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892.
2. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 USC 133, MPEP 710.02, 710.02(b)).
3. When responding to the office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections. See 37 C.F.R. ' 1.111(c).
4. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist examiner to locate the appropriate paragraphs.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Kim whose telephone number is (571) 272-4181. The examiner can normally be reached on M-F 9:00 to 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 whose telephone number is (571) 272-2100.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7. **Any response to this action should be mailed to:**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**or faxed to TC-2100:**  
571-273-8300

Hand-delivered responses should be brought to the Customer Service Window (Randolph Building, 401 Dulany Street, Alexandria, VA 22314).

HK  
Primary Patent Examiner  
April 10, 2006

